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Hastings Law News

San Francisco, California

April 16, 1991

Volume 24, Number 8

Administration Heeds Complaints, Reworks Work Study Policy

By Caryn Gottlieb
STAFF WRITER

Student protests have resulted in changes in the Financial Aid Office plan for allocating College work study funds. The revised plan will allow a greater number of first year students to use the funds, according to Cary Bennett, Director of Financial Aid.

The original proposal, released in late February, effectively shut out the majority of first year applicants. The plan was to first give \$3000 to all second years who were eligible for work study, to be used in a law-related position on or off campus. Next, the school would give twenty awards of \$3000 to be used solely for

ally signed by a majority of the first year class. It called for a consolidation of the second and third categories and a lifting of the ban against using the funds off campus.

Students presented the presented the petitions to both Chief Financial Officer Joan Majerus and Associate Academic Dean David Levine. Bennett described the students as "very articulate" and presenting "persuasive arguments." As a result of the students' arguments, Majerus and Academic Dean Mary Kay Kane decided to lift the on campus limitation for first years, according to Bennett.

"I am pleased that the administration acknowledged that students can provide valuable input in making these decisions and hope that as a result students will be incorporated into the process at an earlier stage," said Bill Cohn, another first year active in this effort. Cohn was referring to the

late date that the three students on the Financial Aid Committee were told about the initial plan. The students on the committee did not receive details of the plan until a few days before they had to vote on it.

In addition to the change in the plan, a lower than anticipated acceptance rate of eligible second years allowed the Financial Aid Office to tentatively offer all first year applicants \$1500. Bennett described the low acceptance rate as a "pleasant outcome" because he had expected to have to ration awards among first years.

Bennett praised Majerus and Kane for their decision to lift the on campus limitation. Bennett said he had worked at over five schools and none had set similar priorities. "Based upon the students' arguments, the administration was persuaded that career-relatedness was the most important criteria," said Bennett. One

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Waters Speaks Out for Diversity



PHOTO BY JOHN ANDREWS

A speech by U.S. Congressperson Maxine Waters highlighted a full slate of Diversity Day events on April 4. See story on page 3.



PHOTO BY JOHN ANDREWS

Career Counselor Kay Burke was fired for criticizing the new work study policy, even though it was later changed. Story on page 2.

faculty research assistant positions. Finally, a third category of \$1500 grants was to be awarded solely for on campus positions and distributed on a first come, first serve basis.

These last two categories sparked a student outcry. "We were very upset by the on campus preference and the inability of first years to use any work study money for law-related positions off campus," said Margo Buckles.

Buckles and fellow first year Derek Bercher drafted and organized a petition that was eventu-

Carrera Heads Up Winning ASH Ticket

By Michael Sohigian
FEATURES EDITOR

Second year student Karen Carrera was elected ASH President for the 1991-92 school year in elections held last week. She received 229 votes out of a total of 434 cast for the office. Also elected were Waukeen McCoy, Vice President; John Tsutakawa, Secretary; Suzanne Seavello, Treasurer; and Lisa Novak, Director of Arts and Recreation (the 1990-91 incumbent). Like Carrera, all the winning candidates are second year students and won a simple majority of the votes cast for their respective offices.

Carrera is a two year ASH Representative and a member of La Raza who organized this year's Diversity Day. McCoy is a member of the Black Law Students' Association's Executive Board. Tsutakawa is an ASH

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Student Shot Outside the Tower

By Betsy C. Johnsen
NEWS EDITOR

A first year Hastings student was shot in the arm while walking on the 100 block of McAllister Street late Saturday night, April 6. Curt Holbreich had just left the Towers with two friends around midnight and was going to their vehicle parked across the street, according to a preliminary San Francisco Police Department (SFPD) report and Hastings Security Chief John Opheim. An unidentified man was outside the Towers and began shooting at another unidentified man further down McAllister Street. Holbreich was apparently hit unintentionally because he was in the path of the bullets. Holbreich and his friends were able to reach their car, and drove to the hospital where Holbreich was treated. The hospital treated the injury and placed his arm in a sling, and Holbreich was able to attend classes on Monday.

Opheim said that the campus Security Department was not aware of the incident until Monday morning when Holbreich reported it. Opheim said that before

going to the hospital Holbreich or his friend had stopped at the 200 building, looked inside and not seen anyone. According to Opheim, the building was locked, and because Holbreich did not knock or make any noise, no one inside was aware of the incident. An officer is on duty 24 hours a day, and when the campus is closed, the officer is seated at the Security window in the lobby or is making rounds. If the officer had been alerted, he or she could probably have responded to the emergency, although Opheim noted that campus security officers are not armed, and carry only batons and mace.

Holbreich also reported the incident to Patsy Oppenheim, the Director of Student Services. After hearing about it, she and Opheim put together a summary of tips on how to avoid danger, which appears in the current Hastings Weekly. He encouraged students to use the campus escort service, which operates from 5 to 11:30 pm nightly.

Opheim thinks that the recent implementation by the SFPD of a Tenderloin Task Force may help increase safety in the immediate

area. The 16 officers in the Task Force cover the area 24 hours a day. The officers are uniformed and on foot, and operate between Market and Turk Streets and between Van Ness Avenue and Jones Street. The Task Force began operating about two weeks ago, said Opheim, coinciding with the opening of the new police department administrative offices in the former Hibernia bank building on the corner of Jones and McAllister Streets.

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Faculty Committee Proposes New Rules on Hate Speech

By Betsy C. Johnsen
News Editor

By the end of this semester, using "hate speech" on campus may subject a student to discipline under the Hastings Student Policy Manual. The Academic Standards and Policy Committee, under the leadership of Professor Leo Kanowitz, has developed a proposal that will be incorporated into the current regulations if approved by the faculty at their next meeting on April 26.

The proposed regulations are based on those adopted by Stanford University last June. They are defined in part as "fighting words" targeted at an individual and based on "race, color, religion, ancestry, national origin, sex, sexual orientation, age or disability." (The full text of the old rule and proposed changes follows this article.) According to a memo from the Committee, the faculty began studying the issue last year but felt they needed more time to study the issue. Kanowitz and other members of the Committee spent a great deal of time reading articles and studying the constitutional issues.

"We were very sensitive to the First Amendment, but also interested in providing an atmosphere

free of hostile discriminatory conduct directed toward individuals," said Kanowitz. "We felt that the old rule was too general. The University of Michigan had a code which was struck down by the district court as a violation of the First Amendment because it was too general and had the effect of reaching people's opinions. This rule will not, so long as one does not personally vilify an individual."

When asked what should happen when a discriminatory comment was made regarding groups instead of individuals, Kanowitz said he hoped that someone would "deplore and respond to it. The First Amendment ideal is to respond to bad speech with good speech. Justice Black referred to the marketplace of ideas. If someone says something insulting about a group, I would hope that someone else would get up and answer regarding the fallaciousness and inappropriateness of the comment," said Kanowitz.

After working very hard on the proposal for the past year,

Kanowitz is hopeful that it will be passed by the faculty. "It may take longer than the allotted hour to discuss it, but if necessary we'll meet the next Monday to finish talking," he said. He noted that the five faculty and two students on the Academic Standards and Policy Committee passed the proposal unanimously (although one professor was ill the day they voted).

PROPOSED CHANGES

The last paragraph of the preamble to the current "Student Conduct and Discipline Policy" provides:

Students should respect and not infringe upon the rights of all students to be free from any violence or intimidation by threat of violence, committed against their persons or property because of their race, color, religion, ancestry, national origin, sex, sexual orientation, age or disability.

The Committee proposes that this be amended to read as follows:

Students at Hastings are expected to show both within and without the College such

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Work Study

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concern with lifting the on-campus restriction is that some on-campus positions may go unfilled. For example, the library and bookstore may go understaffed.

Despite these changes, dissatisfaction with the reward process remains. "A lot of the students were counting on the \$3000. It is hard to live on \$3000 for the summer, but to live on \$1500 is close to impossible," said Buckles.

Another major problem is that the school has not yet made the financial determinations required to make the awards. First year Tim Eigo expressed his frustrations with the process. Eigo was offered a summer position with the San Francisco District Attorney's office contingent upon receiving work study funds. However, he still does not have a firm award from the Financial Aid office, "despite their statements earlier in the year that we would have our awards or eligibility determined in March before the Public Interest Conference." According to the office's literature, awards might not be final until June 1, 1991.

Critical Comments Prompt Burke Firing

By James T. Schmid
Copy Editor

Criticism of the recent changes in work study funding may have prompted a reversal of the policy, but it also resulted in the firing of Career Counselor Kay Burke for joining in that criticism.

Burke was fired on March 12 for showing "lack of professional judgment" in a number of incidents, the latest of which was her public opposition to the work study plan. Burke said she was warned by Career Services Director Kristin Flierl that she could not advise students to challenge the new policy, but instead should "make the students feel good about it."

"I told them I could not make the students feel good about being screwed," said Burke.

The policy was subsequently changed, in response to what Financial Aid Director Cary Bennett called "articulate and persuasive arguments" by students (see related article on page 1).

Flierl said that school policy does not allow her to comment on personnel decisions, but her position was laid out in memos provided by Burke. There she

stated that Burke had shown lack of professional judgment and disregard for office policies by openly criticizing the policy in front of students and a visiting staff member from another law school. Flierl's memo also detailed other incidents where she said Burke had shown "a disregard for the established office protocol," which include a policy that "it is inappropriate to comment about a perceived error or discrepancy in front of students or coworkers."

Burke said she has decided not to file a grievance challenging her dismissal, but said she is dismayed by the administration's failure to recognize the value of open debate and criticism of controversial policies.

"It does not bode well for any of the student services if a person can be dismissed for saying anything that is contradictory to College policy — even if that policy is wrong and needs to be changed," she said. "I find it hard to believe that a person can be fired for refusing to do something that is against their professional judgment — which is giving students bad advice."

News Updates

1991 HPILF Grants Announced

Hastings Public Interest Law Foundation (HPILF) will be able to fund at least nine public interest grants for students this summer, thanks to the generosity of the Hastings community. Anne Molgaard, HPILF's Secretary/Treasurer, reported that 373 people pledged money this year, an increase of 75 over last year. The total pledged, however, was almost the same amount as in 1990 - \$25,369. Molgaard speculated that the lower pledge per person reflects this year's lack of job opportunities.

Of the 373 people who pledged, there were 354 students (about 28% of total students), 16 faculty (about one third of the total), and 4 staff people. HPILF is also considering an alumni drive to fund a post-graduate public interest fellowship position. This position would be separate from the summer positions funded by the law students, faculty and staff.

The 1991 pledgers selected the following students to implement their public interest proposals: Derek Bercher, Heather Blankenship, Tod Cochran, Kathy Gado, John Espinoza, Brian McAllister, Hilary Potashner, Thippavone Phabmixay, and Nancy Schiff.

Women's Law Journal Almost Official

The *Hastings Women's Law Journal* has proceeded further down the path toward official acceptance by the College. The Academic Standards Committee recently endorsed their proposal and will support it when it is presented to the full faculty at the next meeting on April 26. Heidi Salerno, one of the editors of the journal, said she felt "fairly positive" about the outcome at the faculty meeting, based on numerous conversations she and other members of the journal have had with professors.

"We had to make a number of compromises in our attempt to get official status. The glaring holes right now are the lack of mention of first year participation and our acquiescence to the existing guidelines regarding GPA requirements for journal participation," said Salerno.

Journal members are currently editing articles for their third issue, due out in September.

Former Law News Editors Honored

Two former *Law News* editors and the student newspaper's legal counsel will be among those honored this Thursday at the James Madison Freedom of Information Awards Dinner.

The Northern California Chapter of the Society of Professional Journalists sponsors the annual event, whose purpose is to recognize outstanding contributions to freedom of information during past year. Former editors James Ballantine and Christina Dalton will be honored "for their efforts in keeping the ideals of the free press alive as editors of the *Hastings Law News*." One year ago, the administration singled out the *Law News* by requesting the organization's financial records, just one school week after the newspaper ran a staff editorial column calling for the resignation of Hastings General Counsel Angèle Khachadour. Concerned about the College's failure to guarantee an objective review of the paper's records, the editors instead chose to obtain a financial audit from an independent accounting firm. The escalation of events last summer led to this year's staff being locked out of its office by the administration in August.

As a result of the editors' refusal to turn *Law News* financial records over directly to the College, the administration failed to give Ballantine and Dalton positive character references on their State Bar applications. Although both individuals passed the Bar exam, last November the State Bar notified Ballantine and Dalton that their certification as attorneys would be held in abeyance pending a 30-60 day investigation into the College's implications of impropriety. However, after reviewing the matter in December for less than a week, the State Bar immediately admitted Ballantine and Dalton.

James Wagstaffe of Cooper, White & Cooper will also be honored for his pro bono work which included assisting the *Law News* in its controversy with the College.

A Hastings alumnus, Wagstaffe has also donated his time to several other newspapers. Last year, he argued before the California Supreme Court on behalf of the *San Francisco Independent*, which sought to gain access for the media to closed-door sessions of the city's mayoral advisory committees.

Health Survey: Changes Needed

By Margo Buckles
PRODUCTION EDITOR

Efforts to improve health services at Hastings have been stymied by "inconclusive" results of a student survey and difficulty finding insurance companies willing to cover students.

The survey asked students to rate the services and staff at the on campus clinic on a scale from one (poor) to five (excellent). Elizabeth Calciano, ASH representative, said that although the results seemed inconclusive because staff and services received average ratings, individual scoring better indicated students' preferences.

"If someone received a consistently poor rating, it could be set off by one high rating," Calciano said. "I will submit a full report to the head administrator of Health Services, Judie Martin, this summer that will show individual ratings." However, Martin stated that she was more interested in the survey's individual student comments, which she has not yet seen, than in the statistical analysis. "We really see what is right and what is wrong about Student Health through

student comments," she said.

Several students interviewed have complained about Health Services. Nancy Weiss, a third year student, saw a Health Services doctor twice for the same problem. When the condition appeared a third time, she ended up in the UCSF emergency room for treatment. Weiss was told that she wasn't given enough medication on her first visit to Health Services and that the instructions about what to avoid when taking the medication were outdated.

A major problem with Health Services is the lack of gynecological services this year. According to Martin, 30% of Health Services is devoted to gynecology. Dr. Ems, who has provided gynecological services for over 20 years, took a leave of absence at the end of January due to illness and is still out. Two of Dr. Ems' colleagues have stepped in to cover appointments. The substitutes are available for only three to four hours instead of the normal seven hours per week of gynecological services.

Dr. Ems' absence has caused a backlog of women needing appointments. Already there are

almost no appointments left this semester unless women want to see Dr. Taggart, the general practitioner. Women unable to schedule an appointment will be out of luck this summer. The clinic is closed then, and gynecological services are not insured. It is not yet clear what services will be available to women next year. Although Dr. Ems may return, Martin has started to explore the possibility of hiring her replacement, but is running into difficulties because Hastings will not cover the practitioner's malpractice insurance.

The ASH Student Health Survey also requested student com-

ments on Hastings' insurance plan. By a small margin, students would be willing to pay more for increased coverage. Martin is not optimistic that an increase in the premium will result in an increase in coverage. "The premium will go up," Martin said. "The coverage may go up." Martin bases this option on her pricing of available coverage. Currently students pay \$140 per year for basic off campus physical and mental health coverage. The policy provides 80% of inpatient care up to \$50,000 and 100% of outpatient care, up to \$1,000 per incident. Martin is looking into increasing hospitalization coverage to \$250,000.

Insurance coverage will depend on the prices that are quoted

to Hastings. Because the insurance companies have consistently lost money on student coverage, Martin has had a difficult time finding a company. Martin is looking into several possibilities to improve catastrophic care but will not have complete information about next year's premium or coverage until April 15.

While changes may result from individual comments, student input is unlikely to produce significant change at Health Services. Overall, the results of the survey were inconclusive, demonstrating either students' satisfaction or their apathy. Students also have little control over insurance premiums and coverage because of difficulty finding a company willing to cover students.

Students Strike for Diversity



PHOTO BY JOHN ANDREWS

By Margo Buckles
PRODUCTION EDITOR

U.S. Congressperson Maxine Waters' rousing keynote address capped the second annual Hastings' Strike Day for Diversity on Thursday, April 4. Focusing on the day's themes, Waters spoke about her experiences in Congress to the approximately 200 people present, and urged students to continue to fight for a diverse faculty, student body and curriculum. "Force them to have to deal with you," Waters said, who was given a standing ovation. "Force them to deal with your diverse ideas and perspectives."

Waters was accompanied at the podium by representatives of APALSA, BLSA, the Clara Foltz Association Against Gender Bias, LaRaza, the Jewish Law Students, HAGL, NLG, and Hastings' Women's Law Journal who urged the administration to recognize the needs of a diverse student

body through changes in faculty hiring and curriculum.

Other speakers included Eva Patterson from the Lawyers' Committee for Urban Affairs and Kay Burke, formerly of the Career Services Office. Patterson urged students to examine ideas about education, racism, sexism, homophobia and classism in order to understand society's needs. Burke discussed Hastings' administration policies that discourage student participation in public interest law. Burke believes that her criticism of administration policies led to her dismissal (see related story, page 2), and she thanked students for inviting her to speak. "It's great to have my freedom of speech back," Burke said.

According to Karen Carrera, one of the event's organizers, approximately 40% of the student body chose to forego Thursday's classes.

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Golden Goodbyes for Veteran Faculty, Staff

By John Z. Holtrichter
STAFF WRITER

In what will be the school's biggest single turnover of staff and faculty, Hastings will lose five tenured faculty members and four long-time staff members by July 1, 1991 as a result of the University of California's Voluntary Early Retirement Incentive Program (VERIP).

Professors Leo Kanowitz, Leo O'Brien, Justin Smith, John Whelan and Vivian Wilson are taking advantage of the lucrative one-time offer which promises five years of service credit, resulting in higher monthly payments, and a "transition assistance" payment of at least \$19,250 if eligible employees elect to retire now. In contrast, only one tenured professor would be expected to retire in an average year.

Veteran Hastings staff members were offered even greater financial incentives than the faculty. While faculty "transition assistance" payments were equal to three months salary if they retired before July 1, 1991, staff members were offered double this amount if they retired by April 1, 1991.

Not surprisingly, all eligible staff members chose this option. Jose Duarte (Facilities Operation), Dan Henke (Library), Billie Lindh (SIC Office) and Peg Meacham (Bookstore) all retired before the April deadline. Henke, though a tenured professor of law, as Director of the Legal Information Center qualified for the extra "staff" incentive.

Origin of the Plan

The VERIP was proposed by the U.C. Board of Regents in order to relieve some of the fiscal pressure on the U.C. system by taking advantage of the relatively "fat" University of California Retirement Plan (UCRP). Because

funds in the retirement plan can only be used in connection with employee pensions, shifting employees from the payroll column to the pension column allows the University to use the freed-up funds for other purposes.

These balance sheet savings, together with the fact that replacing veteran faculty and staff with entry-level employees can save up to \$50,000 per employee per year, are a substantial financial boon for the UC system during a period of budgetary anemia.

With certain exceptions, such as members of the "65 Club," all Hastings employees who are employed at least half-time for one year or more are currently enrolled in the UCRP through an agreement Hastings reached with the UC Board of Regents in 1969.

Consequently, Hastings faculty and staff were allowed to capitalize on this opportunity, which was actually designed to assist the University of California, even though Hastings is financed separately by the state legislature and is only "affiliated with" and not actually "a part of" the UC system. Of course, Hastings will benefit financially from the early retirements for the very same reasons as the UC system.

Few complaints about the College's enigmatic legal status were heard from the nine Hastings employees (of the fourteen eligible) who chose to retire this year, however. Professor O'Brien, for example, characterized the early retirement plan as "an offer I couldn't refuse." The professor, who has taught at Hastings for 18 years, estimated that he would have had to work for four more years to equal the VERIP bonus.

In addition to pecuniary considerations, Hastings should benefit indirectly in another way: as related in an earlier Law News

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Bawdy Crew Hosts Blue Revue



PHOTOS BY JOHN ANDREWS

Will the real Dean Read please stand up? Above, Steve Taylor portrays the Dean as an idiot savant. Nobody was fooled. Left, Marc Deiter gives a passionate reading of Peg Meacham's list of the Ten Best Places at Hastings to Have Sex — and enjoy a leisurely post-coital smoke. Right, Isack Fadlon weighs his legal liability before boldly going where no law student has gone before. Other targets of Revue barbs were the Student Health Service, where two Sudafed were prescribed for maladies as diverse as dismemberment and dementia; overzealous exam proctors who



demand a urine test before passing out bluebooks; and the secret thoughts of OCI participants.

Meacham Blows This Joint

By Betsy C. Johnsen
NEWS EDITOR

Peg Meacham, manager of the Hastings Bookstore, says things have definitely changed since she started working there twenty years ago. She remembers "the early 70's, when we actually stocked papers — for rolling joints," she explained. "The students would tell us what kind they wanted — wheat straw, or whatever flavor."

Meacham is another Hastings staff member who is taking ad-

vantage of UC's special early retirement program (see related story this page). Along with changes in the law school's bookstore, Meacham has noticed a change in students. "They're a lot more intense. And a lot more competitive — with higher LSAT's and GPA's," she said. "They also tend to come from professional families now. When I started, most of the kids were Vietnam vets and a lot of them were on 'rehab.'"

Meacham has noticed other

differences in the school. "It used to be bigger, believe it or not, with class sizes over 600. And there were so few women that each one of us, students and staff, had our own key to the ladies' restroom," she said. "Of course, there were no full time women faculty members, and the faculty that were here all had their names on hornbooks."

The Tenderloin has changed, too. "There weren't so many mentally disturbed people, and

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Billie Takes Her SIC Leave

By Lily Yee
STAFF WRITER

Members of the Class of 1991 aren't the only ones leaving Hastings this spring. March 29th marked the end of a 14 year relationship between Billie Lindh and Hastings. Billie is also graduating onto better and bigger things.

Billie was the Student Information Center (SIC), from the time she started there in 1980. She was the warm, smiling woman often seen sitting behind the window in the office, operating

the switchboard, chatting with students or answering questions about the latest available ushering assignments.

The SIC operation was not always fluid. Billie recalls the dark days at SIC when the current folder system used for communication had not been implemented. Instead, SIC used a clumsy board and index box system to relay messages to the students. The folder system, at first, was not well received because students had to look inside the folders to see if they had a message instead

of just looking at the board. Giving a half smile, she said, "law students don't like change."

In spite of this, Billie has observed law students adapting to change. She has noticed that the current student body is more serious about careers and more interested in money compared to the students she encountered when she first started her career, who seemed more drawn toward public interest. Her theory is that, "this reflects changing times, and things go in cycles."

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PHOTO BY JOHN ANDREWS

Two vacancies will open up on the 1st floor of the 200 building as two of the students' long-time favorites take their leave. Pictured here are Peg Meacham and Billie Lindh, who retire this year.

War Dissenters' Day In Court

By Joyce M. Alcantara
STAFF WRITER

Several Hastings students and a professor who were arrested in the last two months of war protests are getting a firsthand look at the legal system, as their cases go through the courts.

Third year Heidi Rand was arrested during a police sweep of the federal building which included approximately 200 people. Most were later charged with violating Municipal Code §22: "willfully and substantially obstructing a public sidewalk or way." This infraction carries a fine of up to \$500, and does not give a defendant the right to a jury trial or require court appointed counsel.

Rand was particularly troubled by the way police arrested the crowd, which violated its own policies. The police manual requires that the police give three orders to disperse in order to give notice to protestors, and must also allow them adequate opportunity to do so. "I did not hear any warnings given," said Rand. "Supposedly, the last warning was given 30 minutes before the sweep." This sweep included active participants in the demonstrations as well as bystanders.

As a "legal observer," Rand could have had her case dismissed but decided against it. "I chose to go to trial. I didn't think it was fair that all the other people that were with me did not have the benefit of the legal observer status or being a law student. I think it was more important to go through with it for legal solidarity."

Professor Richard Boswell, although not actively participating in the demonstration, was arrested while watching the anti-war demonstrations at the federal building. Boswell, also charged with violating Municipal Code §22, challenged these charges by demurrer on constitutional grounds and procedure errors. The charge was dismissed. Boswell is unsure whether he will file a civil action against the city. "I can do more by helping other students [who have not had their cases dismissed] and would feel much better about it instead of wasting my time bringing a new case."

First year student Serena Hong had a hearing scheduled for April 12. She was originally arrested in front of the Pacific Stock Exchange while protesting. When she and other demonstrators tried to disperse, she could not get out. She is presently not represented by counsel. "At this point, I'm

very worried about the fines they are imposing, particularly this penalty assessment, which can run potentially pretty high," said Hong. "At the beginning of the week, the National Lawyers Guild (NLG) went as advisers and people were getting off. But the judges kept telling them [the lawyers] to move back [away from the bench] and it was difficult to advise defendants who were going pro per. This week NLG plans to have at least two of their lawyers in each courtroom to generally appear for all defendants." Penalty assessments are subject to judicial discretion. Termed a "bureaucratic assessment" by Kim Malcheski, a sole practitioner volunteering his services for NLG, the penalties can run from \$200 to \$700 above and beyond the original fine, supposedly to cover court costs. "We think these penalty assessments are improper and are done merely for show," said Malcheski.

Third year Michael Klug chose to represent himself during his trial. "I went pro per for two reasons," said Klug. "At first I thought it would be fun and make a great story. But really what it gave you was a sense of empowerment - that normal people could

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Third Year Council Gets Grad Speaker After All

By Sean DeBruine
STAFF WRITER

The announcement of former San Francisco Mayor Dianne Feinstein as this year's commencement speaker ended a long, contentious search process which was marked by conflict between Third Year Council members and the administration.

Council member Mary Jenner said she feels "worn down by the whole process. I'm tired of fighting it."

The search began a year ago, when then-second year students voted on nominations for commencement speaker. At the top of that list was former Supreme Court Justice William Brennan, and it included a variety of prominent legal and political figures.

Nominees Disputed

"When we showed the list to Dean Reed, he laughed," recalls Jenner. "He said 'commencement is not just for third years. It's for the faculty, alumni and administration.'"

"Students find out every year, at the first meeting with the Dean, that their list is not the final word," said fellow council member

Stacey Campos.

At a subsequent meeting in June between the Third Year Council and representatives of the administration, faculty and alumni, the final list of invitees was set and prioritized. Invitations must be mailed early, because the most popular speakers are often booked, and invitees often take four to six weeks to respond, according to Associate Academic Dean David Levine.

Campos called the June session "classic negotiating. We had to put forward reasons to support the students' choices, and reasons why the other nominees would not be appropriate. The council decided to advocate the students' choices in the order chosen, regardless of our own views. We were very successful; we were persuasive and we didn't back down."

At that meeting, according to Jenner, Dean Reed professed to be a neutral facilitator, but actively interjected his negative views about some of the students' choices. Board of Directors members and alumni also made their own recommendations. One

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FEATURES

Restaurant Review

Head for the Brew: the Food We Eschew

By Sean DeBruine
STAFF WRITER

The Law News, in its ever-vigilant search for food and drink that is good, affordable and close, recently stumbled into a South-of-Market find. Actually, stumbled out of is a better description, since the find was the 20 Tank Brewery. As a disclaimer, this reviewer is acquainted with partners in the venture, some of whom also own the Triple Rock brewpub in Berkeley. Decide for yourself if the many free beers thus received have in any way biased this review.

Located in a renovated warehouse space on ultra-happenin' 11th Street at Folsom, the large but inviting bar is sort of a 20's tavern meets Bauhaus—exposed

with our group. They also had the Kinnikinnick Standard, a malty amber ale which is one of their more refined efforts and a good choice if you doubt any of the special selections. The stout had a pleasing deep brown, almost black color but tended to the sweet, lacking the bite of hops needed to make such a heavy brew palatable for more than a half pint's worth. Speaking of halves and pints, a pint will set you back a mere \$2.25, with the halves costing \$1.75.

Then there's the food. While on their own they don't give reason to visit 20 Tank, most of the items on the menu do a good job of complementing the primary goal of beer intake, or of suppressing the late-night cravings of trendy club hoppers. The menu

Gossip, Speculation and Other Half-Truths

A Final Glimpse of the Jaundiced Eye

By I. C. All
STAFF WRITER

Sees all, knows much, tells some. —Anon.

Bright and cheery greetings from an uncharacteristically bright and cheery Eye, cleansed and refreshed by the torrential March rains, and looking forward with brave eagerness to that home stretch through the end of the semester and final exams to the long, hot (and, the Eye hopes, lazy) summer beyond.

... and, speaking of summer, the Eye has noticed that while some lucky strivers have secured summer employment, others have not (yet). It seems to the Eye that those others are many, outnumbering, truth be told, their more fortunate classmates. The Eye, a veteran observer of the scene, cannot remember a time when so many were so late without that reward the pursuit of which brought them within the granite walls of Hastings College of Law. They battled demons real and imagined, in person and in print, in classrooms, offices, hallways, libraries and drafty garret apartments where lamps burned well into late night; they drank deeply the bitter draught of disappointment and stole sparing sips of success from the foaming cauldron of legal education; they endured brain-crushing boredom and innumerable insults, indignities and insinuations of inferiority, all the while consoling themselves with the promise of engaging engagements in the profession, only to find, alas, that this consolation proves now a mere empty promise. (Congratulations, dear reader: between the alliteration, the adjectives and the semicolons, the Eye wasn't sure itself quite where it was headed, but you held on tight and rode that sentence out — of course, law school's given you plenty of practice at that, dear reader.) The Eye brims with authentic sympathy (as opposed to the smug sarcastic stuff which usually fills it), and urges those still unhired not to despair, but rather to forge ahead in the certainty that whatever lies ahead, it can't be any worse than what has come before it.

... but, wait, you say, dear reader, this is not bright and cheery fare. And, indeed, you are right. Let us leave this vale of tears for more enchanting climes, where our first order of business is to cast a fond glance at that third year couple whose spring engagement has been the talk of the school. Have you seen the rock on the young lady's finger, dear reader? The brilliant rays reflected therefrom have nearly blinded the Eye many times. Since vision is its fortune, the Eye has lately just stopped looking at it, but it can scarcely resist staring at a gem so precious and so big. Which leads to the inevitable question, ill-mannered though it is, which the Eye cannot in good conscience avoid: is it real? The Eye has heard, and passes on to you, dear reader, official pronouncements of authenticity, but it has its doubts all the same.

... meanwhile, of course, as the loving couple beam, other eligible bachelorettes here at Hastings High are sharpening their hatpins. It seems this coupling has put the heat on numerous other campus romances to either commit or combust. The Eye has seen the forced smiles and desperate glances of those who communicate polite congratulations to the lucky pair, and it has observed as well the gradual tensing of hands held lovingly by student lovers who do not share the blissful certainty of everlasting devotion which brought our favorite couple to their momentous decision. In the argot of the streets, it's now put up or shut up time for other linkings of long standing here at Hastings High, and don't think they don't know it.

... other linkings of less long standing have not escaped the Eye's view. The recent Bay cruise sponsored by the third year council was an occasion for such viewing. The Eye was pleased to see two of that class' most assiduous (but, alas, least successful) suitors armed with comely companions who satisfied those gentlemen's standards, which the Eye happens to know are of the very highest order. Not only were the fellows' friends lovely, but they also seemed very fond of their men, and the Eye noted with pleasure evidence of the ladies' very real affections. Way to go, guys; good things really do come to those who wait.

... the Eye saw as well a number of attractions which blossomed on the open, starlit sea, where tendrils reached tentatively across the pitching dance floor, interlocking on the windswept and isolated fantail, leading to developments at which even the Eye

can only guess once the jolly vessel turned to shore. But the Eye did notice, once back on shore, a certain male member of the third year class noted for his affection for surfing and hair coloring, leaving the landing with not one, but two evening-gowned blonde beauties in tow. Both ladies are beloved here at Hastings High for their fun-loving, hard-drinking ways, and they practiced those ways enthusiastically on board — and off board as well, for all the Eye knows, and must assume. To steal a phrase (and, as you know by now, dear reader, the Eye is nothing if not a phrase thief) from New Kid on the Block Joey McIntyre, "Get it, girl!"

... and while the third year class wined, wagged and wooed upon the Bay, other students revelled otherwise. One site of such

Have you seen the rock on the young lady's finger, dear reader? The Eye can scarcely resist staring at a gem so precious and so big. Is it real?

revelry was the home of a much-revered professor, whose annual soirees for his first year section have become the stuff of legend here at Hastings High (and the hottest ticket of the year). Partygoers this year, as always, received an education in upper class etiquette, how to stifle a gasp at the sight of genuine works of art in a private home, how to avoid saying to the lord of the manor, "Wow, you got a real proper crib here," how to take drinks and hors d'oeuvres proffered from silver trays held by smiling liveried bearers without saying thank you, and, as the overarching theme, how to handle one's liquor. This last lesson was a hard one to learn for one young woman in the first year class whose consumption terminated abruptly with the esophageal evacuation of her stomach's contents in the bushes outside the great manor. Not a dignified experience, but, the Eye suggests, it could have been worse; at least she had already left the affair.

... speaking of alcohol related indignities, the Eye simply must tell you, dear reader, of the hilarious scene it witnessed at a party given at the home of a student of some stature, an event marked by a truly diluvian flow of lager. Around the keg, which is where



PHOTO BY JOHN ANDREWS

ducts and raw concrete are set off by a beautiful dark wood bar and bar back, and custom milled panneling. Many of the tables are marble, and the sheer number spread around the large ground floor and mezzanine balcony mean that a seat can be found on all but the busiest nights. As expected, a room of its size can get noisy, but the layout of the tables is such that conversation, if not intimacy, is possible.

But enough about *ambiance*, let's get to important matters. As the name suggests, the 20 Tank brews its beer on the premises. The two large wort tanks, where the brewing starts, stand just inside the front window on the mezzanine level. Theirs is the only beer served, and the styles rotate daily, with three to five beers to choose from. On the day of our visit they were pouring three beers, all English-style ales. The "Play Ball E.S.B." (Extra Special Bitter) was a light, hoppy ale which proved to be the most popular

is anchored by a wide variety of tasty sandwiches, but the food quality goes downhill rapidly when cooking is involved.

We started off with two nacho plates — one vegetarian and one with chili. The chips were cardboard-like and very salty. The cheese was neither spread nor melted evenly, and both came with uneven glops of sour cream and guacamole. The only spice came from an overwhelming number of jalapeno slices, but for meat eaters the chili was tasty. None of these defects prevented both plates from being thoroughly cleaned. A green broth, allegedly chicken-sausage gumbo soup, continued the cardboard motif: all of the poor souls who tried it agreed that this is just what New Orleans boiled cardboard would taste like. This bowl was not cleaned.

The best of the warm items were two varieties of chili. The lamb chili was an interesting choice, with a sauce dominated

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Reel Time

These "True Colors" Run, and So Should Most Moviegoers

Greg "Joe Bob" Zlotnick
STAFF WRITER

All you really need to know about "True Colors" is that the two protagonists meet when they get into a fight over a fender-bender and then, wow, it turns out they're roommates! What a coincidence. Need I say more?

Well. You might also want to know that, surprise, they become best friends forged in the cauldron of the first year of law school at UVa. Though we are not privy to the cross-your-heart-and-hope-to-die, blood oath type stuff, we are privileged to witness the obligatory pouring of booze on each others' head. Huh?

It is informative too that soon after Tim (James Spader) almost proposes marriage to the film's love interest (Imogen Stubbs), we see her and Peter (John Cusack) in the sack bemoaning the fact that they've shared the sheets for a full week, a most definite and nasty betrayal of Tim. And yet she snivels that "I still love Tim," and he snivels, yes, Tim is "my best friend" in the whole-wide-world. And yet. Gee...let's do it again! Yes, Peter, yes! Scruples? Huh?

It gets better. Jump ahead a year. The two buds go skiing. Lo and behold, before their "last run"

together, Peter fesses up and, and asks Tim to be his best man. Well, Tim takes it with a stiff upper lip and then proceeds to try to kill Peter using Peter's own stubbornness and poor skiing ability. Huh? Very, very stupid sequence. Tim does apologize though. I guess we can forgive, forget and under-



stand, right? Wrong.

Wait, there's more. You see, after the "accident," Peter proceeds to set up Tim, his "best friend," so that Peter can get ahead in the political game while Tim's career at the DOJ (that's Department of Justice for those of us in the know) is destroyed before it starts. What a pal that Peter is. Huh?

Then, after that, Tim works his way back into the fold, "no hard feelings?" "Sure." What idiots. And ultimately Tim gets

to skewer Peter, his "best friend." Truth, justice, the American way, and f---k your friends. Huh?

At the end of the film, the two "best friends" share what was supposed to be a warm moment with each of them apologizing and sincerely(?) regretting that things "had to end up this way." Joe Bob was just sorry they had to start at all.

Plot development is too disjointed and motivations too confusing to really draw one into the story. For example, though Peter is from the wrong side of the tracks and was brought up by an alcoholic father after being abandoned by mom, he chucks his chance for a J.D. after a year and succumbs to the tentacles of bottom rung D.C. Why? He couldn't wait two more years after obviously achieving so much to get the opportunity at UVa? Joe Bob don't buy it.

Another fundamental problem is the movie's totally unbelievable representation of relationships in the extremely ritualized and rigid world of legislative staff work. Simply put, Peter's behavior would have put him out on his ear pretty quickly.

Also, Joe Bob just could not accept the strength of the supposed friendship based upon one

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Sit 'n' Spin

Ziggy and Zep: the Best of 70's

By Greg Staples
STAFF WRITER

It had to happen. You knew it would come eventually. The 70's revival is here. From current bands like Jellyfish to the 70's Preservation Society, which markets 70's hits K-tel style, an attempt is being made to reinfuse our society with a dose of "me-decade" sensibilities. The decade of the 70's is often considered the nadir of modern culture - it brought us *Saturday Night Fever*, the *Partridge Family*/Brady Bunch, and polyester leisure suits (the "full Cleveland" look). But were the smug-Republican 80's any better? Was Madonna prancing in her underwear really an improvement over Travolta slithering across Brooklyn dance floors? In an effort to rehabilitate the maligned image of the 70's, the following list is offered to show that the decade of the 70's had more than its share of great pop music.

What's Going On? - Marvin Gaye. Forget Dylan, Lennon, or

the Clash. If you want biting social commentary wed to incredibly haunting music, Marvin's the man and this is the album. From the title cut, to "Mercy, Mercy Me (The Ecology)," and "Make Me Wanna Holler," Marvin covers the plight of returning Vietnam vets, damage to the environment, and government spending on "moonshots" while ignoring the "have-nots." We have certainly come a long way since Marvin recorded this album 19 years ago. The arrangements on this album are so beautiful that it is possible to miss the amount of pain lurking in tracks such as "Flying High in the Friendly Sky" - a heroin addict's lament over a life that is "so stupid-minded." For a truly consciousness raising experience, put on some headphones and listen only to the bass playing on side one. The harmonic and rhythmic use of the bass in Motown recordings defied pop music conventions in subtle yet mind-bending ways. If you own only one album from the 70's, this

should be the one.

Exile on Main Street - The Rolling Stones. The last great album from the once-greatest rock and roll band in the world. After this album the Stones were never able to put out a record with more than a few passable cuts on it. Blame it on artistic burnout, the ravages of heroin and Jack Daniels, or Jagger's attempt to be as big a pop phenom as Bowie, but the Stones lost it after *Exile*. The opening chords of "Rocks Off" start a wild nocturnal romp that doesn't let up until four album sides later. Tracks like "Tumbling Dice" and "Happy" perfectly capture the free-wheeling spirit that informed the Stones' best work. Little known fact: "Exile on Main Street" was a major reference point for the "street rock" scene in Hollywood from which sprang Guns-n-Roses, the LA Guns, et al.

The Rise and Fall of Ziggy Stardust, Hunky Dory, The Man Who Sold the World, Alladin Sane

Continued on Page 13

Question People

By Susie Oh and Laurie Watkins

Tell us about your worst date.

Professor Lee



"This woman didn't want to go out with me, but I badgered her until she felt morally obligated or something. We went to a movie and said nothing to each other. Afterwards, there was 15 minutes of awkward silence. I made the ill-advised move of trying to hold her hand, whereupon she pointed at a bus that was about six blocks away and said, 'Oh, I'm missing my bus,' and left.

Elizabeth Harris, 2nd yr.

"My date was eating a beef burrito. He laughed and spat the partially chewed meat out on my cheek. It started to slide down my face while I thought, 'This is the grossest thing that's ever happened to me!'



Molly Nordale, 3d yr.

"A blind date fixed up by my aunt. It was an interview for being a wife. He asked a lot of questions like, 'What do you want to do when you're married? How many children do you want?' It lasted 25 minutes and when I gave all the wrong answers he said, 'Ok, fine. Let's leave. Lunch is over.' It was so weird."



Bob Balfour, 2d yr.

"It was a dinner date. I took her to a really nice restaurant. We sat down and got ready to order and she said she wasn't hungry and wasn't going to eat anything. For the whole date, she sat there and watched me eat while I tried to have a conversation at the same time."



Bill Frimel, 2d yr.

"My date and I were mugged in Golden Gate Park. We were parked in a car and this guy knocked on the window with a flashlight. I thought he was a police officer, so I rolled down the window and he stuck a gun in. He took my wallet and keys. We had to walk out of the park and hitchhike to a gas station."



OPINION

En Banc

Mum's the Word— and the Problem

Open debate and discussion is supposed to be an essential tenet of legal education. The legal process itself is grounded in the notion that free, informed and public debate is the best means of resolving conflicts and deciding policy. Unfortunately, at Hastings, it is increasingly apparent that this ideal is honored primarily in the breach.

The most recent example of the school's failure to deal forthrightly with important issues on campus is the firing of Career Counselor Kay Burke. Burke's dismissal was not based solely on her criticism of school policies. But her firing was ultimately triggered by speaking out publicly about changes in work study which affected the career opportunities of the students she counseled. In her notice of intent to dismiss, Career Services Director Kristin Flierl specifically cited a policy that "verbalizing negative comments in the presence of students is not an [sic] acceptable behavior," a policy which, while it may somehow improve staff morale or public relations, deprives the students of important information. Ironically, Burke lost her job even though the administration later heeded her criticisms and changed the policy.

While Burke's firing was unfortunate, at least in this case her views were aired. A more common tragedy is the voices which are never heard, chilled by the administration's heavyhanded approach to restricting staff commentary. Other staff members, for example, are often reticent to discuss even seemingly noncontroversial policies and procedures with the *Law News*. Student Services Director Patsy Oppenheim, who in the past has provided frank and informative explanation of policies affecting students, has apparently felt the pressure from the administration and now refers many inquiries on to more senior administrators who often cannot provide the same information or perspective.

The atmosphere of "buck passing" promoted by the current administration has spread beyond the staff. It is especially dismaying to see the lack of candor from tenured faculty, whose jobs and academic freedom are supposedly guaranteed. Whether from fear of campus politics or disinterest in school issues, too often faculty are unwilling to go "on the record" with their views or knowledge of those issues.

The administration's closed mouth policy not only hurts the students, but also the administration itself. Paradoxically, its unwillingness to discuss controversial policies often makes students suspicious of the College's motives, creating instant opposition to policies which might otherwise be entirely justifiable. Allowing staff and faculty to freely express their doubts or questions about policies will in fact increase acceptance of those policies and confidence in the legitimacy of the decision making process. The administration faces many difficult decisions, but those decisions can best be defended in an atmosphere of informed discourse. Hard choices will not be made any easier by taking a hard line toward free speech.

Dismissal Distress

Dear Editor,

I was both distressed and disappointed at the recent dismissal of Ms. Kay Burke from our Career Services Office. I am a third-year student and have used the career center on a regular basis since my first year. During this time, Ms. Burke has been an invaluable resource in my quest for the perfect job. She provided not only reliable job information, but also encouragement in my career development. When the written materials failed to yield answers to my questions regarding a particular firm, or public interest job, or even job possibilities in other parts of the United States, it was always to Ms. Burke that I was steered. "Ask Kay" was a common response to a question asked in the Career Services Office. That was because Ms. Burke was one of the most valuable resources available in our career office. Filed in her head were hundreds of firms and their specialties, along with a quick run-down on the working environment.

Ms. Burke went beyond her job description in assisting students, which may explain her recent dismissal; however, that willingness to go the extra distance was exactly the quality that made her so valuable to Hastings students. On at least two occasions, Ms. Burke worked straight through her lunch break in order to get information for me regarding potential job positions. Ms. Burke took her position very seriously. She did not forget the student the moment he or she walked out the door. If she could not answer a question, she researched it and got back to the student. When she ran across jobs that sounded as though they might interest one of the students who had consulted her, she let them know. She followed up on results from interviews.

Anyone can direct a student to a folder, and almost anyone can tell a student the basic do's and don'ts in the interviewing process. Those are basic essentials of any career office, and at least Hastings still has that. However, with Ms. Burke, Hastings had something more. Hastings had someone who cared about the individuals who walked through the career service doors, someone who enjoyed her job and performed it well. That, at least in any apparent form, has been lost, and I for one am very sad to see it go.

Sharon L. Greene

Letters to the Editor

Unarmed Officers

Dear Editor,

I do not know who are the "security officers" quoted in the last paragraph of "NEWS UPDATES - Hastings Security Gets Batons," but at no time did I state that the administration favors arming our security officers. My comments related solely to the fact that pursuant to legislation enacted by the state and federal government regarding the gathering, publishing and dissemination of information relating to crimes on campus, we are developing procedures for approval by the Board of Directors in June. There is no connection between the in-

the answers to the insurance questions in helping to determine the insurance coverage for next year. For your information, the averages from the scored questions are published in this paper. In addition to the scored results, the comments many of you gave on the survey were excellent. I will be submitting a report to ASH with comprehensive results of the health services survey; if anyone is interested in learning more about the results, please let me know.

I also appreciate the comments from a number of people who have talked to me since the survey. Please feel free to drop a note in my SIC folder or give me a call if you would like to contribute anything.

The results of the survey will be used this summer and into next year to help improve Health Services.

Elizabeth M. Calciano

Unjust Race

Dear Editor,

Your short article on the Race For Justice failed to include some important facts. Although the event may have been a success as a fund-raising event, it was a failure as a race.

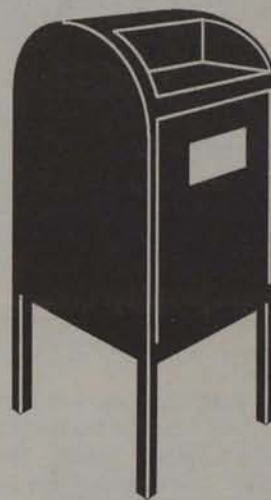
At 9:10 a.m. all or most of the participants lined up at the start. But there was no race official at the start. As a joke, a passerby shouted, "Go!!!" This set the crowd off. Most did not know it was a false start, but many of us who did waited several minutes before joining the run.

How the officials have come up with times for the race is a mystery.

For those of us who run seriously, or even for those who are interested in a fair start and in reliable time keeping, the race was a disaster.

Your article should have noted the problems so that they will not happen again next year.

Brian Whitten



formation I conveyed to your reporter and the preceding claim attributed to some unnamed security officers. No such misunderstanding exists between the administration and the security staff.

Angèle Khachadour
General Counsel

Health Services Survey

Dear Editor,

I would like to thank the students very much for their time in filling out the survey. The results have been and will be very helpful in determining what students want from Health Services. For instance, Health Services is using

Letters to the Editor

Letters are accepted from anyone but must be typed or legibly handwritten double-spaced. Letters should be clearly marked as such and must bear the writer's signature, name, and telephone number. Frequent or lengthy contributors will be limited to ensure that a forum is available to everyone. We cannot print letters without signatures, but names will be withheld upon request if the circumstances warrant such action. Letters do not represent the opinion of the *Law News*, its staff, or Hastings College of the Law.

Letter from the Editor

What Have We Learned?

By John C. Andrews
EDITOR-IN-CHIEF

Since this is the last issue of the year, and my last as editor, I'd like to reflect on what developed into a significant year in the Hastings community. Significant especially because the students have begun to demonstrate their ability to effect positive change at Hastings.

Building on prior experiences, Hastings students this year realized that in order to create a better Hastings, we have to find and express our power as the school's most significant constituency. Through organization and perseverance we have forced the College to reconsider its perceptions of students as mere faceless transients, as evidenced on many occasions this year.

Last fall, the students led the fight against state legislation that would have allowed the Hastings Board of Directors to resume its pre-1980 position of unchecked autonomy. This legislation sought to overturn the 1980 Knox Act which limits the Board's power to appoint its members to lifetime terms. Only under the Knox Act have women and minorities had access to member-

ship on the Hastings Board. Mirroring student concerns over the proposed removal of the Board's accountability to the state, then-Governor Deukmejian vetoed the legislation.

Earlier this semester, students harvested the first fruits of their efforts to encourage diversity, as newly hired faculty include three women, and an African American man.

Most recently, first year students, surprised by the sudden shift in the work study allotment, spearheaded the drive to reconsider the policy. The work study plan announced by the College would have been disastrous for first years and for students looking for summer employment in public interest. Kay Burke, former Career Services counselor, who was fired because she chose to tell the truth rather than toe the administration party line, urged students to fight the new policy. They did, and the policy was revamped.

Lastly, by amending the ASH constitution with our votes, students expressed to the College their commitment that the *Law News* must be completely independent, so that the newspaper may report fairly, fully, and free

from threats of retaliation by the College. This came too late, however, to help two former *Law News* editors who had to go to court last semester to rectify misstatements the College placed on their Bar applications that stemmed from the editors' exercise of their First Amendment rights, while the newspaper itself was forced to retain an attorney to get its office doors unlocked.

Why do we have to work so hard to bring about change? Why does the Hastings administration insist on ignoring student perspectives which should be the prime factor in their decisionmaking? How can we seriously believe the College when it says things like, the West Block property, purchased in part with diverted student scholarship funds and costing the College over half a million dollars in annual interest payment, is "for the benefit of the students"?

We received at least a partial answer during last month's Board of Directors meeting. Discussing possible options for the future status of the *Law News*, one of which involved creating an independent board of directors, a prominent college official objected to the concept of an all-student board, insisting that "adults" should be included as well. While she stopped short of explicitly saying that "students" and "adults" are mutually exclusive, the message was clear. The College does not respect the maturity, experience and intelligence of the students.

Occasions reflecting this attitude abound, too many to dismiss the official's statement as merely an aberration. Another incident occurred last semester when the Hastings administration served a student a subpoena in a lawsuit in which he was not a party. Ever mindful of their own judicial economy, the administration decided to serve him during his final exam. Ignoring the time-honored rule that no one other than the proctor, the professor, and the participating students shall be permitted in the exam room, the administration disguised a process server as a proctor. During the exam, the student became acutely aware of being singled out for thorough scrutiny by closely patrolling "proctors." They continually studied the student's every move and several times stationed themselves at both ends of the row in which he was seated. As the harried student turned in his exam paper and was immediately handed the subpoena

Periscope

Welcome Home, Already

By Philip Sinco
OPINIONS EDITOR

Even before the Gulf War was over, I was bothered by the "support the troops" issue. Most Americans believed they had a duty to be "supportive" of the military personnel overseas. While I agree that the military personnel were entitled to public "support" in some sense, the meaning of the phrase "support the troops" as used in the political debate is ambiguous at best. Some critics of the war who were attacked as not "supporting the troops" argued that they supported the military personnel by protesting US readiness to sacrifice American lives for oil. But a majority of the American public did not accept this reasoning and be-



lieved that the only way to show support for the troops was to support the US military operations.

The way the "support" issue was defined by politicians and the media made it clear that those who opposed US government policy could not be supportive of the troops. If one was not supportive of the troops, any criticisms made by such a person could be dismissed. The danger of this Orwellian "logic" is that it permitted the government to manipulate public debate away from difficult questions about the use of military force in Iraq, toward an easy consensus around which the public could rally.

Perhaps things developed this way as a result of how Vietnam veterans were treated when they returned home: there were no HBO specials welcoming home the "heroes," no politicians thanking them for their sacrifices; and no veterans throwing out a first pitch on opening day. The American public had been divided by the Vietnam War and it seemed that people just wanted to forget about it. So the returning veterans were virtually ignored. The Bush administration and the American public seemed to be trying to right that wrong by acknowledging the contribution of the troops in the Gulf War.

Unfortunately, this acknowledgement of the contribution has reached absurd proportions and the public's affection for the troops has been continually manipulated for political purposes. From schoolchildren and others who tied yellow ribbons to crass entrepreneurs who marketed T-shirts, coffee mugs, pins, etc. with slogans such as "I support Operation Desert Storm" and "These Colors Don't Run," the American public rallied around the troops and thereby rallied around the Bush administration.

While I am in favor of showing gratitude to those who risked their lives for their country, I am concerned that the public is unthinkingly conforming to a herd instinct and thereby helping politicians duck difficult issues. Military personnel have a job to do which entails risks, but every soldier is aware of these risks and chooses to accept them. The fever pitch of hero worship going on out there in TV land is astounding and way out of proportion to the soldiers' risks in the Gulf War. Of course, those men and women who did act heroically should be honored as heroes, but not every soldier who was in the Gulf War deserves to be honored as such. Compared to what troops had to undergo in WWII, Korea, and Vietnam, the overreaction on the part of the American public amounts to a slap in the face towards those veterans who had to make much more significant sacrifices.

What is worst of all, however, is that the Bush administration is using the public's affection for the troops to avoid difficult questions concerning U.S. policy in the Middle East, and to keep up Bush's exceptionally high popularity rating. By continually praising the troops for their bravery, their sacrifice, etc., Bush is able to praise himself and keep the public from questioning his actions in the light of hindsight. The "Welcome Home Heroes" message is continually being kept in the mainstream of political rhetoric and media images in order to maintain the national unity which supporting the troops has brought about. Many have favorably commented on this "unity" but I fear that this is a dangerous precedent that could lead to more American military interventions in the future. While I do not object to welcoming home the troops, I only hope that the public is able to make a distinction between supporting the troops and supporting US military policies.

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"From dialogue comes truth"

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Professor's Forum

Hate Speech: Everybody's Problem

By Mary C. Dunlap
Adjunct Professor

I am profoundly troubled by the hate speech debate. In particular, I am worried that we are not listening to each other in it (and instead are taking sides and polarizing), that we are confining too much of the process to drawing narrow legal circles around wider societal problems, and that in focusing on the speech of group-based hatred, we are evading opportunities to address silent hatred, polite hatred, and the kind of hatred that simply harms, wordlessly, while we drive unresolved animosities and bitterness underground. Below and behind words and symbols, hatred can do damage without recognition and without detection.

From its inception, the hate speech debate has been cross-hatched by legalisms. The vertical lines read: free speech, independent beliefs, academic freedom, the marketplace of ideas. The horizontals spell out: overcoming discrimination, defining and remedying harassment, affording equal protection. Who in their right mind and senses would consider choosing between these directions? Is any of us really prepared to forego one of these clusters of vital values for the other? For that matter, hasn't putting the equal protection clause into practice required people to exercise strong First Amendment liberties, in concrete movements of minds, bodies and words (that many have found offensive) on the streets of this nation? Doesn't the full meaning and complex flavor of the "marketplace of ideas"

drive from the pluralism, diversity of groups and dedication to overcoming bigotry (that many have found offensive) that are the quintessential reason for equal protection of the laws? Who has split the issue in this way, asking us to let go of one interdependent guarantee in supposed favor of advancing the other? The answer, regrettably, seems to be legal thinkers.

The hate speech debate cries out beseechingly for a multi-disciplinary inclusion of voices and values beyond legal formulae and processes. We must transcend the rigidities of legal method (especially the adversary model) to see that there are other concerns about hate speech besides constitutional ones. The self-confidence of the student who feels attacked by hate speech, the safety of the student whose views are labelled hate speech, the well-being, sanity and camaraderie of the entire community in which hate speech is being identified and regulated—all these, and other consideration that I as a lawyer am not trained to think about and value, nor neatly to categorize or doctrinalize, must be recognized. The hate speech debate has become the new forum for unresolved struggles over affirmative action, integration of our schools and other institutions, pornography and sexual objectification of women, gay/lesbian-bashing, on-the-job as well as on-the-campus harassment, and mistreatment of people based on their membership in identifiable groups (e.g., disabled persons, immigrants, political minorities, religious minorities). Arguing about hate speech, and too often rushing

past common ground, we are actually arguing about a far more vast terrain—the relationships among law, society and individual conscience, as well as our attitudes toward this array of sticky problems.

Certainly, it is fair to look to law to help us find clearer definition of what is objectionable, what is harmful and what should be actionable hate speech. Law should be able to help enunciate limits on ridding ourselves of hate speech without ridding ourselves of free speech; law should aid us in grasping the elements of what should be actionable harassment consisting of interference by words or symbols with the ability of person to work, study and live.

But there are abiding difficulties with reliance upon rules to uproot and change sometimes deep-seated prejudices. By themselves, legal formulae do not cause people to stop scapegoating, or shunning (a silent form of hate speech that can do great harm, but that is never regulated by rules addressing speech), or to stop learning the hate that fuses these behaviors. More than this, alongside legal formulations that must carefully account for effects on people's freedoms and opportunities, we must develop ways of reinforcing personal responsibility for our prejudices, and for our failures to respond critically and amelioratively to the prejudices of others. While it may be extremely important for institutions to experiment with policies disapproving of (and, where appropriate, providing for remedies for the harms done by) hate speech, if we do not focus upon unlearning

the hate that goes with the speech, the hate keeps on working in more subterranean ways, becoming potentially more toxic. Changing the face of racism, for example, which we have widely done in the U.S.A., does not change its mind and its heart, which I suggest we have not yet significantly done in this nation.

I passionately and logically believe that overcoming bigotry of every sort begins with myself (and, sometimes, ends there). As a teacher and public citizen, I have a responsibility to speak up when I observe something that I believe comes from a place of hatred (including from myself). Knowing that hatred can be subtle, and can do its utmost damage when couched in rationales, I must be vigilant. As a lesbian woman, I have a responsibility not to jump back and seek to "pass" when I realize that an attack (be it the classic gay-bashing or sexual assault, or the polite but stereotype-fueled slight) is occurring. And the people affected by such attacks are much more diverse than my own identity. I must learn to listen with empathy and a capacity to connect with those different from myself who are being attacked. As a white person, I have a responsibility to recognize how I myself and those around me have been taught racist reactions and racially derogatory perspectives show through. As a person who suffered verbal, physical and sexual abuse as a child and teenager, I cannot let these forms of hate speech and hate crime take place when I perceive them. As an alcoholic and co-dependent in recovery, I am responsible for maintaining continuing physical and emotional sobriety, and for being honest about dysfunction. I see within and around me. And, indeed, the list goes on, and none

of the items I have omitted can be trivialized.

But sometimes I will make mistakes. Jumping out of my car at the market to question a person who looks entirely able-bodied and is parking in the "disabled" space, I learn that she has a non-evident disability. Sometimes will overreact. Sometimes I will misinterpret. While I am a responsible person, I am not here to judge souls. And, because we share these vulnerabilities, it seems worthwhile for us all to approach hate speech compassionately as well as vigorously, understanding that we all can make mistakes, overreact, misinterpret. Ultimately, I think we must regulate hate speech most effectively from within ourselves learning what it is personally, by staying aware of forms of it that we do not presently recognize as hate speech (what about those uses of "old" and "lame" and "asshole" and "baby"?). We must ultimately unlearn not just words but ways of viewing ourselves and one another that convey hate. If we cannot do this hard work of psyche, conscience and coalition, alongside really listening to each other about the problem of hate speech and the bigger problems with which it is entangled, then I fear that law will do little more than teach us which targets not to shoot at, while our hatred keeps on hunting.

(With appreciation for all of my students at Hastings, USF, Stanford and Golden Gate Law Schools in the past several semesters who have been willing to discuss this hard subject openly and candidly.)

"True Colors"

Continued from Page 7

year's acquaintance. Loyalty is one thing, stupidity and masochism is another. Though the movie would have you believe only one of the two is slime, both are deceitful and spineless chameleons. All in all, maybe they were meant for each other.

Which reminds me, frequently during the film Spader and Cusack are nose to nose and, maybe I've been in Baghdad by the Bay too long, they really look like they might have something going. Wink, wink. Maybe 'ol JB has scooped the Enquirer. Maybe not. Probably not. Who knows? Who cares?

Peter's campaign slogan is "The future's looking good!" Your future will look better if this celluloid isn't in it. "True Colors" definitely rings false. If you really want to see it, Joe Bob bets it will be in your video stores soon, very soon. (R. 100 Minutes. Regency 1.)

ASH Notes and Comments: Last Days, New Ways

By Doug Fox
ASH President

This is the last issue of the *Law News*, and the last time I write my humble column as ASH President.

Every student should be excited about the results of last week's elections. I am very pleased to be passing the baton to Karen Carrera & Co. I know she will do an excellent job and will well represent Hastings in her various capacities. I expect she will learn to love being the target of cross-examination by the powers that be as much as I did.

As a third year there is a temptation to get all bleary-eyed and reminisce about how much fun we had here at Hastings. But I can be tempted and not bite. The real issue should be how much

have we actually learned here. Soon we will become private corporations, attorneys, obfuscators, agitators, defenders, prosecutors, persecutors, and even lawyers. But the fundamental question underlying all that is done at Hastings is whether we have received an education here or only acquired a vocational skill.

Decisions must soon be made regarding the arrangement and status of legal education. Diversity is an integral part of the legal experience and should not be taken lightly. Diversity movements are symptoms of underlying discontent with "traditional" processes of legal education. In law school of all places, the realities of American society should permeate the classroom, even if this means (god forbid) reexamining

the casebook method.

It seems unarguable that professors should strive to educate their students on the relevance of politics, history or culture to the black letter law required to pass their course or the Bar. To this end, ASH has supported a proposed new category on the Professor and Course Evaluation (PACE) form which grades the teacher on whether she incorporated a multiplicity of viewpoints in her presentation of the course material. The Faculty Curriculum Committee is discussing this proposal now and it should go to the faculty this semester. Let's not tear down the wall, just read the writing on it.

On to other matters: As we all know, California has a ludicrously large budget deficit that will

manifest itself at Hastings in the shark's bite taken out of every student's pocket book, at least in comparison with this year. Hastings is still relatively inexpensive and, at least, teaches us a marketable trade, but it would be appropriate if the administration also took some hits too. I do not know the exact number of catered luncheons served in the Alumni Reception Center or the Dean's private conference room; California's taxpayers may want to know. Also, the Board of Directors' annual retreat for a weekend in the summer must be paid for by public funds. Last June, it was held at a plush resort in Carmel Valley. We should keep an eye on expenditures of public funds, and continually ask the question, "in whose interest?"

Lessons of the Past Year: How Students Made a Difference

Continued from Page 9

in return, his confusion and fear turned to feelings of outrage and betrayal. How contradictory that the College claims to educate future lawyers yet, in this case, deliberately disrupts a student's education.

At the deposition hearing held two days after Christmas, the student was further outraged to discover that the lawsuit's only cause of action, a request for a temporary restraining order to prevent the College from further damaging the reputations of individuals who previously criticized College officials, had been dismissed by the trial court before the student was served. The subpoena was thus unnecessary and amounted to nothing but a gratuitous harassment by an insensitive College.

This story demonstrates the continuing need to pressure the College into recognizing students as the core of this educational system. This institution is not just a vehicle for raising alumni funds or speculating on real estate. True, as administration officials repeatedly say, "the students are only here for a short time," but we are alumni forever. I challenge every graduating student to help assume

some responsibility to ensure that Hastings moves in the positive direction, toward diversity, toward opening communication lines with the students and the community, toward treating students with greater dignity.

I hope this newspaper helped to facilitate student empowerment and communication by providing a key ingredient: information. On these pages, we have attempted to fulfill our adage, "from dialogue comes truth."

By the way, I apologize to my Wills & Trusts professor for my less than stellar effort on my exam last semester. I'm not making any excuses, just a point.

I also must make a point to thank the entire *Law News* staff for their tireless efforts in cranking out a great paper each month this year. A special thanks goes out to two individuals who spent their entire law school lives toiling with me in the basement. Our Copy Editor **James Schmid**, who, whether he knows it or not, had a great deal to do with my keeping sane over the last three years (others may debate whether he was actually successful). James' sharp wit and catchy puns made the hectic times bearable. His writing

talent is unmistakable to those of us who follow his features and news stories, although some fellow students will never forgive him for failing to mention the Larkin Express in last September's deli review. His capability in overseeing every word and punctuation mark in the paper earned him the title "copy editing god." James will be sorely missed by the *Law News*, and especially by me, when he leaves for Seattle after graduation. **Phil Sinco**, another three year veteran and Opinions Editor for the last two, is especially appreciated for his skill in pasting up the newspaper boards before the final dash to the printer. Whenever I saw Phil hard at work, I knew the end of another production period was thankfully near. Just keep the photo cleaning solution away from him (he'll explain).

The individual who really anchored the *Law News* ship was News Editor **Betsy Johnsen**. In her second and third years on the staff, Betsy was the caretaker of this operation's heart and soul: the news. The time and energy she put into pursuing leads, cultivating the skills of our writers, and writing several articles per issue herself impressed us all. And

the Hastings community is not quite safe yet; Betsy will be around another semester to make sure that no news stone is left unturned.

Executive Editor **Joe Vadala**, famous in the *Law News* office for his ability to bring interviewees to tears, as well as to their knees, ensured that the newspaper always had enough provisions for the long haul, and kept us from taking ourselves too seriously. A special thanks to **Mike Sohigian**, who gratefully took charge as editor of the features section halfway through the year. What the *Law News* gained was a dedicated, enthusiastic, and incredibly talented individual. Mike has a big heart, and he let the *Law News* have a healthy portion of it this year.

An additional thanks to: **Margo Buckles**, whose official title of Production Editor doesn't even begin to describe her contributions as advertising manager, staff writer, and general office organizer (Margo, you don't how much easier you made my life this year); Production Editor **Lily Yee**, a joy to work with and always dependable whenever she could get out of her twin-sized bed; our production team and computer layout masters **John "Zee"**

Holtrichter, Daniel Boone, Pete Williams, and Pete Turcotte, who are largely responsible for how great the paper looks. And thanks, **Anne Molgaard**, who, though she's too modest and embarrassed to admit it, became a valuable contributor and morale booster for the *Law News*, and along the way grew to be a special friend.

Finally, I'd like to thank the Hastings student body for recognizing the importance of a free and independent student newspaper. As a result, the *Hastings Law News* remains an organization whose purpose is to safeguard a forum for student (and adult) ideas and views.

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GOOD LUCK CLASS OF '91!

Hastings Drops West Block Suit

By Kemy Monahan
STAFF WRITER

The issue of Westblock development once more came to the forefront on March 18, when Hastings asked the San Francisco Superior Court to dismiss the College's suit for declaratory judgement on the issue of whether it can claim an exemption from local zoning law. The College had asserted that it should be included under the provision of the California Constitution which establishes the University of California under the Board of Regents and exempts that institution from zoning laws.

At a panel discussion on March 20, Hastings' Director of Facilities, Ed Levine said that the suit was dropped "in the spirit of good faith and cooperation with the city." Although he still insists that Hastings is "generally exempt" from San Francisco planning and zoning ordinances, Levine said, "it should not be something that we end up going to war over."

However, there may have been some concern regarding whether the College would win the suit. Although in 1879 the Act that established Hastings was incorporated by reference into the provision of the California Con-

stitution which establishes the University of California, all reference to the Hastings Act was subsequently deleted by a 1918 amendment. Since then, the state legislature has controlled the affairs of Hastings, a creature of statute, by legislation.

Furthermore, a 1981 agreement between the U.C. Regents and the Hastings Administration defines the "Regents of the University of California" as "a corporation created and existing under the Constitution of the State of California." But it defines "Hastings College of the Law" separately as "a public institution created and existing under the laws of the State of California."

City officials and Tenderloin community representatives present at the panel expressed their hope that the latest move is a signal that the College is now willing to work with its neighbors and the city. San Francisco Deputy Mayor Brad Paul said that although the Hastings administration has been very difficult to deal with in the past, this is "a very positive sign."

During the discussion, Nancy Russell, a representative from the North of Market Planning Coalition, appeared skeptical about the future of affordable housing in the Westblock. Development of the property would mean the demolition of at least 187 Tenderloin homes. "The biggest problem," said Russell, "is that Hastings does not seem to recognize the importance of the community. Even a law school has an obligation to its neighbors."

A Graduate City Planning class at U.C. Berkeley came to the conclusion that the best use for the property would include both affordable community housing and student housing units. According to Berkeley Prof. John Landis, an informal survey of Hastings students indicated that "many more students would like to live near Hastings than currently do."

Deputy Mayor Paul emphasized that, in light of the present real estate and credit markets, the "highest and best use" of the property would include affordable housing, which the city has offered to finance. According to Paul, the city is willing to pay the estimated six to eight million dollars necessary to renovate the low income housing units already on the Westblock. Hastings could then grant the city a long-term lease on the buildings.

The \$7.5 million in loans Hastings carries on its Westblock and McAllister Tower properties should be a strong incentive for the College to do something with its investment properties. According to the College's 1991-92 projection of revenues and expenditures presented to the Finance Committee in February, next year's interest payments alone will take over \$800,000 from the school's budget, at the same time that tuition may rise by as much as forty percent due to "budgetary constraints."

"Hastings, the neighborhood and the city should sit down and look at what realistically can work [on the Westblock]," said the Deputy Mayor.

Panel Clashes Over Arts Funding

By Karen Ciesar
STAFF WRITER

Law Students for the Arts hosted a lively panel on "First Amendment Rights and the Arts," featuring a heated discussion of censorship and morality in the media.

One issue discussed was the controversy over the National Endowment for the Arts' funding of 'obscene' or questionable works. David Llewellyn, from the Western Center for Law and Religious Freedom, stated that a large measure of the NEA censorship debate arises from the common misconception that all ideas are equal. Instead, Llewellyn believes it is the proper function of a responsible society to distinguish between valuable ideas and those ideas with little or no merit, and to provide funding for the former only. Charles Wiley, a reporter representing Accuracy In Media, approached the controversy differently, arguing that NEA funding limitations did not present a freedom of speech issue, but rather a question of appropriate and efficient allocation of federal resources. Why, argued Wiley, should we finance artists who take obscene photographs when we aren't effectively providing for deserving welfare and social security recipients? "The issue," said Wiley, "is not whether artists are allowed to display obscene works, but whether tax dollars should be spent to pay for work that the majority of taxpayers disapprove of."

The panel also discussed censorship in general. Llewellyn reminded the audience that government limitation of inappropriate speech is not a new concept, citing the "fighting words" exemption from First Amendment protection. Peter Franck, an entertainment and copyright attorney who has defended censored artists in the past, said that the entire censorship issue "boils down to sex." Franck believes that the government finds it necessary to hide sexuality and the beauty of the human body from the public in general, claiming that anyone in touch with their own body would have a difficult time blowing apart the bodies of others in the Middle East. Franck would prefer the government focus its energies on eradicating the American fascination with violence. "Why do they always pair the words 'sex and violence'?" he said. "Sex is good, violence is bad...but they want you to associate them with one another."

Panelist Jello Biafra, most widely known as the lead singer/lyricist for the punk band The Dead Kennedys, recently prevailed in a censorship prosecution in Los Angeles. He was indicted for distribution of "harmful matter" to minors because he included a poster reproduction of the painting "Penis Landscape" by Swiss artist and Academy Award winner H. R. Giger in his politically charged album "Frankenchrist." Biafra believes, as does Franck, that the NEA debates are symptomatic of a much larger issue. The real goal of government censorship, Biafra asserted, is denial of access to information in general — with censorship of art and music as merely a convenient starting place to get the public accustomed to having ideas hidden from it. The government wants us all to be "obedient, uninformed, smart shoppers."

Lowell Landowski, a Republican Party Lobbyist and representative for the Society for Traditional Values was not shy about speaking on behalf of the "extreme religious right." He responded to Biafra's accusations of a religious right conspiracy to imbue the American public with its own Christian morals through media domination, by pointing out that the level of sex and violence on television and in movies either belie the existence of such a conspiracy, or at least prove that it has been wildly unsuccessful. Landowski lamented the absence of Christian values in mainstream entertainment — citing "Chariots of Fire" as the last movie embodying such values — and expressed concern that ubiquitous and emotionally damaging imagery in the media is harming our children and society as a whole.

Professor Calvin Massey moderated the discussion and, as the argument grew more heated, it took all of his efforts to keep the panel in their seats. The panelists were not beneath snatching microphones away from one another, and on occasion, the "discussion" degenerated into name calling. The turnout included students, members of the Bay Area's professional legal and art communities, and, of course, Jello groupies, in attendance.

For those who missed this event, a video-tape of the panel discussion is on reserve in the Television Office of the 198 McAllister Building.

The author is the president of Law Students for the Arts, who, with treasurer Mary Wirth, organized the event.

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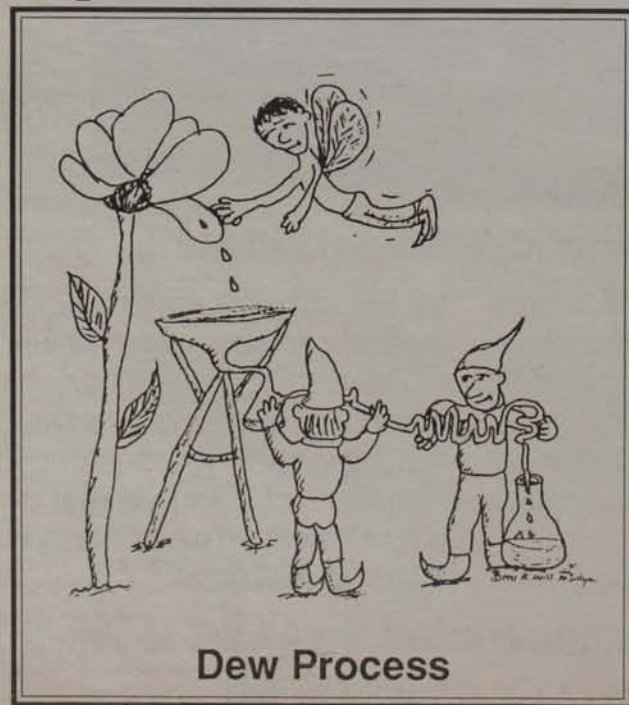
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Hastings Moot Court Entrants Score Big

By Joe Vadala
EXECUTIVE EDITOR

Hastings students enjoyed exceptional success this year in intercollegiate moot court competitions, highlighted by the third place finish of Hastings' team in the Giles Rich Patent Law national moot court competition in Washington, D.C. The National Appellate Advocacy team won its region and looks forward to competing in the national finals next August in Atlanta, Georgia.

In March, the Giles Rich Patent Law team advanced past Boalt Hall to take first place in the region, before moving on to its finish in the nationals. "This was a great experience," said participant Margie Merrill. "The judges try

their hardest to rattle you. It's a challenge to not let them."

Hastings also won the regional rounds of the National Appellate Advocacy Competition and will compete in the national rounds in Atlanta this August. According to Moot Court coordinator Melissa Johnson, "That competition had one of the most interesting hypotheticals," posing the question whether a minister breached his fiduciary duty by having sex with a woman he had counseled.

Other competitions this year included the Frederick Douglass and the National Environmental Law moot court competitions in February. One of the four Hastings teams advanced to nationals in the Douglass competi-

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Do Skittles and Beer, Not Vittles Here

Continued from Page 6

by white wine and dill. A little soupy, and not what you'd expect from chili, but an enjoyable taste. The vegetarian black bean chili, while overly sweet and suspiciously lacking anything black, also was satisfying.

The sandwiches were the high point of the meal. Fillings include beer-roasted beef, corned beef, ham and turkey, with unusual condiments, such as pesto, all served on a fresh, crusty, seeded baguette. Any sandwich can be spiced up by adding a few drops of an unusual applesauce-based hot sauce on the table; a sauce which must be used sparingly if you want to taste anything else for the next few days. Alas, they are accompanied by more of those dreadful chips. Salads came in for resounding praise. Starting with fresh, non-iceberg lettuce,

they include a wide variety of veggies and a choice of tasty dressings.

Luckily, you can get the self-service food quickly, all the better to get back to the real reason for coming to the 20 Tank: drinking beer, playing the great vintage shuffleboard game and listening to one of the best, most eclectic jukeboxes in the City. (Patsy Cline to Boogie Down Productions and everything in between.) All of which can be pursued in a loud, convivial and surprisingly smoke-free environment.

A word of caution about the shuffleboard: If you are challenged to a game by a certain *Law News* editor and his fiancée, don't play for money.

20 Tank Brewery 316 11th Street (between Folsom and Harrison in the heart of the SoMa club scene.) Open for lunch, dinner and late drinks. If you go, take cash. Because they brew some of the best beer in the City, and they don't take American Express... or Visa, or Mastercard or checks.

Spinning in the Seventies

Continued from Page 7

- David Bowie. Was there any performer in the 70's who had a greater influence over the shape and sound of popular music? From Roxy Music to the Cure, Bowie opened the door for a lot of people when he burst on the scene in his androgynous Ziggy persona. Four albums are listed here because each represents a different sound for Bowie the Chameleon. A personal favorite is "She Shook Me Cold" off *The Man Who Sold the World*, which answers the musical question: How would it sound if Bowie sang lead for Black Sabbath? Just the emergence of Bowie alone is enough to assure the place of the 70's as a great decade for music.

Natty Dread - Bob Marley and the Wailers. Did you like the Police? Were you skanking to the Specials and Madness? So ubiquitous are reggae and world beat rhythms today, it is hard to believe that before the early 70's—and the commercial success of this album—no one had even heard Afro-Caribbean music. Rappers, too, owe a lot to Marley. Much of early rap music was set over dub rhythms that trace directly to Marley and the Wailers. The 60's blew the lid off of what was possible in pop music, but the 70's broke the stranglehold of white British males.

Never Mind the Bollocks... Here's the Sex Pistols - The Sex Pistols. Speaking of blowing the lid off things, here is the album that started the movement that shattered the sound and business of pop music. Things just haven't been the same since messrs. Cook, Jones, Rotten, and Vicious first sneered at us in 1976. Alternative music—punk, new wave, no wave, nerd rock, gothic rock, speed metal, speed core, thrash metal, etc.—mushroomed after the arrival of this band. Giant corporate record companies were no longer the arbiters of what was cool in music. This is a classic

rock and roll album. Drop the needle on any track and it's buzz saw guitars, snarling lyrics, and a very Big Attitude. Fittingly, none of the Sex Pistols actually played on the album, their musicianship not being up to the primitive bludgeoning required. Instead Johnny Rotten howled over a retinue of studio musicians (notably Chris Spedding on guitar). The Sex Pistols—sprung from the brow of clothing store owner Malcolm McLaren—were a response to the sham and artifice in popular music. It is fitting that the Pistols themselves were a sham.

Houses of the Holy - Led Zeppelin. What mention of music in the 70's would be complete without a nod to the Mother of All Metal Bands? Zep owned the 70's, and their success and sound spawned untold thousands of clones. You can probably hear "Stairway to Heaven" as much on the radio today as you could in the 70's. (Not that this is a good thing.) *Houses of the Holy* is listed here because it is one of the few Zep albums that is listenable all the way through—no interminable Jimmy Page drug-ragas, and Robert Plant keeps the bleating to a minimum. The opening instrumental section of "The Song Remains the Same" is pure adrenalin exuberance, and Page's acoustic guitar work on "The Rain Song" is achingly lyrical. The rest of the album falls in line with compact, hook-filled tunes underscored by John Bonham's trademark sledgehammer drumming. *Houses* is the best from a wildly popular band whose sound is often recycled but never equalled.

The foregoing list is attenuated because of limitations in space and attention span. Many great artists are missing—Elvis Costello, Sly Stone, Isaac Hayes, The Jam. But the list makes clear that the decade of the 70's was much more than the decade that brought us KC and the Sunshine Band, and Telly Savalas.

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Day in Court

Continued from Page 5

do this, instead of remaining passive and relying on attorneys. As it turns out, the NLG attorneys really did a good job and did a lot of preparation and I wasn't really required to do anything."

Private Sector Prosecutors

Because of the overflow from the mass sweeps of protestors, the court system has been clogged. To address this problem, the San Francisco District Attorney's Office has allowed attorneys from the private sector to serve as volunteer prosecutors (also called "Loaner DAs") to try these cases.

Riva Enteen, Demonstrations Coordinator for the National Lawyers Guild, thinks the attorneys should not serve as prosecutors at all, but only as defense counsel because of the political sensitivity of these issues. "The role of the defense attorney is to get an acquittal and the role of the prosecutor is to insure a fair, impartial trial and assure justice," she said. "It is not the role of a DA to have a political agenda, which is an abuse of the system."

"These volunteer DAs couldn't try themselves out of a paper bag," said Malcheski, who represented Rand during her trial. "They didn't know the basics of criminal procedure nor did they understand the basic concept of reasonable doubt. Allowing these downtown lawyers to use these cases as trial practice is a waste of taxpayer dollars."

Rand pointed out some glaring mistakes that occurred during her trial on March 29. "They (the volunteer DAs) couldn't even ask the right questions," said Rand. "The judge was telling them what to ask." The crux of the prosecution's cases hinged on police identification of defendants from booking photos taken on the day they were arrested. Malcheski objected to this and wanted the photo of Rand admitted only as an exhibit. "As the [volunteer] DA was bringing the photo to the judge," said Rand, "he tried to give the policeman [who was in the witness stand] a glimpse of the photo. At that point my lawyer objected and called for a mistrial, which was granted."

San Francisco Assistant DA

Jerry Coleman, quoted in the *San Francisco Chronicle*, defended the use of volunteer prosecutors as an inexpensive response to the overburdened system. He responded to a motion challenging the capabilities of the prosecutors as full of "inaccurate and irrelevant conclusions."

According to Enteen, the outcome of two trials involving 234 defendants have resulted in 16 guilty verdicts, 95 dismissals, 100 acquittals, 32 no contest pleas, and one mistrial.

Despite the hassles, Rand said, "I have no regrets. These police sweeps are intended to stop us from protesting, an effort to scare us. Our acquittals prove that to continue to prosecute people in sweeps is wrong."

Hong is feeling the pressures of first year law school. "At this point, I'm tired and the war is over. I'm already behind in school and things are piling up. I don't want to think about it [her trial] anymore," she said. However, when asked whether she regretted participating in the demonstrations, she said, "No, I had to say what I had to say."

Hate Speech Proposal

Continued from Page 2

morality, personal honor, and the rights of others as is demanded of good citizens. Accordingly, each student shall respect, and not infringe upon, the rights of other students to be free from violence, intimidation by threat of violence, or personal vilification on the basis of the other students' race, color, religion, ancestry, national origin, sex, sexual orientation, age or disability. The College will provide all students with an academic environment that is conducive to rational discourse, free expression of ideas and other communicative conduct, and equal educational opportunities. To accomplish this purpose the College will take disciplinary action, to the extent permitted by the United States and California Constitution, against any student who violates the disciplinary rules set forth in section 52.00.

Add new paragraph to §52.00:

Engaging in violence, intimidation by threat of violence, or personal vilification of another individual or small group of indi-

viduals on the basis of race, color, religion, ancestry, national origin, sex, sexual orientation, age, or disability. Speech or other expression constitutes personal vilification if it:

(1) is intended to insult or stigmatize an individual or small number of individuals on the basis of race, color, religion, ancestry, national origin, sex, sexual orientation, age, or disability; and

(2) is addressed directly to the individual or individuals; and

(3) insults or stigmatizes the individual or individuals; and

(4) makes use of "fighting" words or non-verbal symbols.

As used in this paragraph, "fighting" words or non-verbal symbols are those that (1) by their very utterance inflict injury or tend to incite an immediate breach of the peace and (2) are commonly understood to convey direct and visceral hatred or contempt for human beings on the basis of their race, color, religion, ancestry, national origin, sex, sexual orientation, age or disability.

Bye Bye Billie

Continued from Page 4

Feeling the need for change herself, Billie felt she just couldn't pass up the one-time early retirement plan. Yet this opportunity did not make her decision any easier. "If you've done something for a long time and enjoy it, it's hard! It's irrevocable!" she said. "It'll change my life for the better, but who knows."

Not one to express sorrow but momentarily, she perked up when asked about her best memories of Hastings. "It's never been dull, it's fun and interesting," she exclaimed. She enjoyed being with the students, faculty, and staff.

Given all her interaction with Hastings folks, I thought that I could extract newsworthy information from Billie. "I like to gossip as well as the next person, but I just don't have any," she said emphatically. She said that people always assumed that she knew everything because she answered the telephones. She claimed to be the last to know anything.

Like other soon-to-be graduates, Billie plans to travel abroad, to Great Britain and the Scandinavian countries with her husband, Carl. But for now she's going to enjoy her new found leisure time and sleep in late. There was no hint of concern about being bored. In fact, bingo games and the like have no place in her life.

So for those of you who missed the opportunity to give her a heartfelt farewell, you get another chance at this year's commencement on May 18th.

Moot Court Cleans Up

Continued from Page 13

tion, debating the constitutionality of a federally funded school which allowed an organization to restrict its members to only black women. In addition, two of the teams were sponsored entirely by the Black Law Students Association, rather than the school.

At the National Environmental Moot Court competition in New York, the Hastings team argued the criminal liability of corporate officials who failed to investigate a possible hazardous waste spill, finishing 18th out of 50 schools.

Hastings also participated in the Roger Traynor State Moot Court Competition where the Hastings team of third years Brian Kindsvater, Celia McGuinness, and Francis Torrence won first place. McGuinness took Best Advocate honors.

Hastings is also participating in the National Moot Court Competition, the country's oldest and most established competition.

Johnson stated that next year Hastings will participate in nearly all these competitions as well as hosting the Jessup International competition. "While next year's National and Jessup teams have already been selected, Johnson encourages students to try out for the other competitions in the fall. "It is a unique opportunity more students should try to take advantage of," Johnson stated.

Peg Departs

Continued from Page 4

no one was visibly living on the streets. We didn't even need a Security Department. We just had a night watchman."

Meacham has a few plans for when she "retires." She is going back to school herself and wants to study art, archeology and maybe linguistics. "Whatever suits my fancy," she said. But she has no plans to leave the Bay area, where she has lived since the 1930's. She considers it "the chosen area." Asked if she'll miss Hastings, she

said, "Yes, the individual people, but not as an institution. I will definitely miss some of the students — the ones who give purpose to why you work. There are some genuinely fine people."

The College will apparently miss Meacham. Despite her official retirement date of April 1, the school has hired her to continue running the bookstore through the semester. They will decide soon whether to lease out the bookstore or hire another manager. Meacham hopes they avoid entrepreneurs. "It would just mean a rise in prices."

ASH Elections

Continued from Page 1

Representative and a member of the Asian/Pacific American Law Student Association and LEOP Council. The three of them ran on a single ticket.

Carrera says her overriding goal is increasing diversity at Hastings. Another of Carrera's goals is establishing an on campus child care facility. "I know a lot of students have children," she says, "and [on campus child care] is something we should have."

Also on the ballot was a proposal to amend the ASH constitution to delete Article V, Section 4, providing for ASH oversight over the *Law News*. The amendment passed by a vote of 302-67, more than the two-thirds of votes cast needed to amend the constitution. As a result of the vote, the *Law News* becomes like any other student organization, losing its unique constitutional status.

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Wilson, Whelan on Their Way

Continued from Page 4

article, this year's hiring of some new professors and granting of tenure to others significantly increased the diversity of the faculty. Diversity goals will again be significant factors when the Faculty Appointments Committee begins looking next fall to fill

the two remaining faculty vacancies.

Looking Ahead

In the future, the professors expect more or less to continue their favorite scholarly pursuits. Apparently, "retirement" among academics does not leave much time for cruise ships and golf re-

sorts.

Professor Kanowitz, who has taught at Hastings for 19 years, had not contemplated retiring at all and had in fact planned on teaching "indefinitely" until he learned of the retirement plan. But, said Kanowitz, "it was a very financially attractive offer." The professor intends to continue to write books, including a nearly completed translation of a treatise on Japanese labor law, and to remain actively involved in labor arbitration. He also confessed that he may finally have the time to read "a few books that have nothing to do with law."

Professor Smith, who has taught at Hastings for 20 years, expressed his desire to get in-

volved again with the National Judicial College at the University of Nevada, where he once was an Assistant Dean and Professor of Law and Judicial Administration under Justice Clark. The National Judicial College was established to help state trial judges deal with increasing pressures and caseloads.

Professor Whelan, who has taught at Hastings for 17 years, optimistically said, "I'm not retiring from something; I'm retiring to something." In the immediate future, he hopes to finish writing a government contracts text and may do some government contracts work for a law firm in the city.

Professor Wilson, with 16 years on the faculty, refused to call the occasion of her leaving Hastings "retirement," and instead

opted for the term "graduation." The early retirement bonus, she said, was the "jolt I needed to get out of here. It was never my intent or desire to work at the same job for 30 years, and even 16 seems like too long." Professor Wilson, who adapted and produced a version of *Medea* at Hastings last spring, considers herself a writer and plans to continue her literary career upon her "graduation."

This is probably not the last that students will see of the retiring professors, however. They will likely be granted Professor Emeritus status at the next Board of Directors meeting and allowed to retain an office on campus. Additionally, they could be asked to teach again as adjunct professors if the College has a need for their particular expertise.

The Eye Bids a Teary Farewell

Continued from Page 6

the Eye customarily finds itself at such gatherings, a rakish second year, who has figured in other tales the Eye has told here, was pitching his woo at a lovely young woman who was buying none of what he was selling. "I love your outfit," said our man lecherously. "That's nice," she responded, "but I certainly didn't wear it for you." The Eye was silently applauding the young woman's deft deflection of an obviously unwelcome advance, and the object of applause leaned back triumphantly against the wall. Unfortunately, she stood in a puddle of spilt suds, her high heels slid out from under her, and she landed unceremoniously (but quite amusingly) on her stockinged posterior, revealed by the skirt which rose up around her waist. The Eye, unable to control a giggle that gave promise of becoming a guffaw, left the room as the young woman wobbled back upright, berating her date for his failure to arrest her fall.

... the Eye is not a religious sort, but it passes on this story, told it by one who is, and who chaperoned a friend, a student whose piety more approximates the Eye's, to an Easter Sunday service. When the donation plate was passed, this fellow bid his friend make an offering, and so he did. He reached for his billfold, and, as the plate passed by, he dropped a bill from his wallet into it. Unfortunately, that was not all that dropped from his wallet into the plate. The red-faced student was obliged to retrieve from the plate and replace in his wallet a small disk-like object packaged in a square of cellophane; that's right, dear reader, in church, on Easter Sunday, this poor penitent mistakenly dropped a condom in the donation plate. Ho, that's rich; the Eye bets even God gets a laugh out of that one.

... yes, that's a funny one, but it's not as funny as the story about the job candidate at a major law firm here in the City who dined with a couple of firm members. Let's start at the beginning, shall we? It seems that this firm is very sensitive to minority issues (and heaven forbid the Eye should suggest that the firm be insensitive

to such matters). The firm employs many minorities, of all persuasions, most pertinently for this story a number of homosexual attorneys and staff. In fact, the receptionist there is a transvestite, of whose predilection, apparently, most of the firm is aware. She (for that is how the receptionist is known) is evidently quite convincing, both physically and behaviorally. For example, according to the Eye's source, she uses the women's bathroom. As part of the firm's recruiting, it provides those job candidates who want it an opportunity to meet with gay or lesbian members of the firm to discuss, etc. Anyway, it seems that a woman who was considering hiring on with the firm requested such an opportunity and dined with the receptionist and her (the receptionist's, that is) boyfriend. At some point during the meal, the would-be attorney mentioned her husband. This caused some confusion on the part of the receptionist, et al. "Frankly," she told the woman, "we're surprised. We thought you were gay and wanted to talk to us about what it's like to be gay at the firm." To which the young woman replied, "oh, no, my husband and I are swingers, and we wanted to know what the swinging scene was like at the firm." Only in San Francisco, the Eye supposes, would such a thing happen. The Eye has long doubted the wisdom of choosing to define oneself by sexual choice, and this story seems to give substance to those doubts. The Eye always thought of swinging as a hobby, like league bowling or gardening. But, then again, maybe league bowling is a lifestyle choice, too.

The Eye now takes its leave, but believes that a bit more ceremony is called for now than usual, since this is the last Eye of the year. Please accept the Eye's heartfelt thanks, dear readers, for your attention and indulgence; this column has proved a pleasure to write, and the apparent pleasure it has given you, dear readers, has occasioned real joy on the Eye's part. The Eye wishes well to all, and, be sure, Eye'll be watching you.

Third Year Council Reaches End of Rough Road

Continued from Page 5

of Board Member Joe Cotchett's recommendations was Judge Robert Bork, according to Jenner. She felt the students had to sacrifice some of their popular choices, including Justice Brennan, in order to protect others. The final list of 15 names included seven of the students' ten choices.

Dean Read was out of town and could not be reached for comment for this article, but Dean Levine remembers a different meeting. "I have absolutely no recollection of specific discussions about Bork," he said. "As I recall the meeting, we weren't voting, we were working toward reaching a consensus. Our goal was to get a realistic list. (The speakers') conservative or liberal message was not relevant."

According to Campos, "Bork was definitely discussed. Like before the Congress, he was discussed and dismissed."

When asked what names were nominated by the administration, Levine recalled Denver Mayor Federico Peña.

Levine traced the misunderstanding to the way students view their vote for speakers. "They view it as a vote as to whom to invite," he said. "But what it does is lets them give their views to the council members who attend the meeting (with the administration, faculty and alumni). The purpose of the meeting is to prioritize the students' list and come up with some names high on the list that have a realistic chance of accepting."

Invitations Delayed

Jenner also criticized Dean Read for delaying the mailing of some invitations. "Once three weeks went by before an invitation was mailed," she said. Levine said he had no knowledge of the invitation process once the list was prepared. Campos did not recall delayed invitations, but felt that invitees were allowed too long to respond. "Even busy people - maybe especially busy people - should be able to answer in two weeks," she said.

Perhaps due to these delays, Feinstein was not contacted until late March. This is not extraordinarily late, according to Levine, but "it was cutting it much thinner than you want."

Jenner feels that the main reason Feinstein accepted was because of the efforts of the faculty speaker, Adjunct Professor Peter Keane. Keane, who is also a public defender in San Francisco, was reportedly able to use personal contacts with Feinstein to influence her decision.

Valedictorian Speech at Issue

The council also took issue with the administration over having a valedictorian speaker. Jenner said that the council voted to have no speech by the valedictorian, and expected the administration to heed that wish. The decision was made to save time, since the class is so large. Jenner, however, asserts that Dean Read is insisting upon the speech, claiming that a board resolution or by-law makes it mandatory. When Jenner asked for the specific resolution or by-law, she was referred to Hastings General Counsel Angèle Khachadour. Despite some five requests by the Third Year Council, Khachadour has neither produced such a resolution nor allowed the council to search the records.

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